

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Q+ FOOD, LLC, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

MINITUBISHI FUSO TRUCK OF AMERICA,
INC.,

Defendant.

No. 14-cv-06046-MAS-DEA

ORAL ARGUMENT REQUESTED

**MINITUBISHI FUSO TRUCK OF AMERICA, INC.'S
NOTICE OF MOTION TO DISMISS THE COMPLAINT**

William M. McSwain (admitted *pro hac vice*)
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*Attorneys for Defendant Mitsubishi Fuso
Truck of America, Inc.*

MOTION DAY: January 5, 2015

TO: James C. Shah
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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on January 5, 2015 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Mitsubishi Fuso Truck of America, Inc. will apply to the above-named Court at the Courthouse located at 402 East State Street Room 2020 Trenton, NJ 08608, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint and other such relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the movant shall rely on the Memorandum of Law in Support of Motion to Dismiss of Defendant Mitsubishi Fuso Truck of America, Inc.

PLEASE TAKE FURTHER NOTICE that Defendant hereby requests oral argument.

DRINKER BIDDLE & REATH LLP

Dated: December 8, 2014

By: /s/ Michael P. Daly
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*Attorneys for Defendant Mitsubishi Fuso
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CERTIFICATE OF SERVICE

I, Michael P. Daly, hereby certify that on this 8th day of December, 2014, I served a true and correct copy of the foregoing Mitsubishi Fuso Truck of America, Inc.'s Notice of Motion to Dismiss the Complaint via U.S. mail and via the CM/ECF system, which sent notice of such filing to:

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